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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,349	01/25/2002	David Battat	D/A0898(1508/3480)	9621

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Gunnar G. Leinberg, Esq.  
Nixon Peabody LLP  
Clinton Square  
P.O. Box 31051  
Rochester, NY 14603-1051

EXAMINER

CHARLES, MARCUS

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 07/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/055,349	BATTAT ET AL.
	Examiner Marcus Charles	Art Unit 3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  
 If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  
 If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  
 Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  
 Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 15 April 2003.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-23 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3,6-17 and 20-23 is/are rejected.  
 7) Claim(s) 4,5,18 and 19 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 25 January 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.  
 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.  
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> .	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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### **DETAILED ACTION**

This action is responsive to the communication filed 04-15-2003, which has been entered. Claims 1-23 are currently pending.

#### ***Election/Restrictions***

1. Applicant's election of group I (claims 1-9 and 15-20) in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 15-23 are directed to a non-elected invention, previously withdrawn from consideration as a result of a restriction requirement. Upon further consideration by the examiner, the claims now subject to being rejoined. Claims 15-23 are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

#### ***Specification***

3. The disclosure is objected to because of the following informalities: the "Cross Reference to Related Applications" must be updated to includes the US application number and filing date for the application that is entitled "Dual Curing Process for Producing a Puzzle cut Seam". In addition, the "Cross Reference to Related Applications" should be between the title and the "Field of The invention". It is suggested to move the Field Of The Invention" above the "Background OF THE Invention". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 6 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Dalebout et al.(5,951,441). Dalebout et al. discloses a belt comprising a substrate (18/50) having a first and second surfaces and first and second ends, which form a seam, an elastomer (20/30) having first and second ends and surfaces, wherein the elastomer is adjacent and in contact with the first surface of the substrate and the first and second ends of the elastomer form a seam.

In claims 6 and 20, Dalebout discloses the first seam is bonded with an adhesive (col. 5, lines 5-15).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-3, 11, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalebout et al. in view of Driver(1,728,673). Dalebout et al. discloses one seam is interlocked but does not disclose both or the seams are interlocked. Driver discloses a belt with adjacent materials (1, 2) in contact with each other having interlocking ends in

order to create a smooth, flat surface to an strengthen the seamed joints. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of Dalebout so that both seamed joints are interlocking joints in view of Driver in order to create a smooth, flat surface and to an strengthen the seamed joints.

In claim 3, it is apparent that each interlocking seam includes a kerf (5) so as to allow the adhesive to seal the ends. (fig. 1).

In claims 16-17, it is apparent that the method steps would be inherently included during the manufacturing of Dalebout in view of Driver device.

8. Claims 7-9, 12-14 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalebout. Dalebout does not disclose the belts modulus of elasticity and thickness, and the elastomeric layer thickness. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt so that it has a modulus of elasticity of 75PSI to about 3000Psi, the belt has thickness of 0.25 mm to about 5mm mm and the elastomeric layer has a thickness of 0.25 mm to about 4.75 mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

#### ***Allowable Subject Matter***

9. Claims 4-5 and 18-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miller et al.(2,391,731), Alex(5,697,491) and Clemons(766,930) disclose a belt with interlocking seams with nodes. Morrison et al.(4,279,676) discloses a belt with plurality of layers and joints seams. DE(3340432) discloses a belt with interlocking seam having a kerf and an adhesive bonding the seam joint.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday -Thursday 7:30 am-600 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

*Marcus Charles*  
Marcus Charles  
Primary Examiner  
Art Unit 3682  
June 25, 2003